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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,558	10/13/2000	Tetsuya Kubo	33045	9039

116 7590 05/08/2003

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EXAMINER

MILORD, MARCEAU

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 05/08/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

pre

Office Action Summary

Application No.

09/687,558

Applicant(s)

KUBO ET AL.

Examiner

Marceau Milord

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3 and 5 is/are allowed.
- 6) ☒ Claim(s) 1, 4 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) Z.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al (US Patent No 5956625) in view of Deguchi (US Patent No 5793619).

Regarding claim 1, Hansen et al discloses a portable cellular phone (figs. 1-3) comprising: a case body (3 of figs. 1-3) including an operating section and stopper portions (23 of figs. 9-10; col. 2, lines 54-67); and a sliding cover (2 of figs. 1-3) covering the operating section of said case body and being slidably supported on said case body wherein the stopper portions (23 of figs. 9-10) of said case body restricts a sliding range of said sliding cover (col. 3, lines 13-31; col. 4, lines 49; col. 5, lines 4-28).

However, Hansen et al does not specifically disclose the features of a sliding cover which is mounted and detached with respect to said case body by applying an outer force to said to

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sliding cover in a direction perpendicular to a sliding direction when said sliding cover is positioned at a specific position within the sliding range.

On the other hand, Deguchi, from the same field of endeavor, discloses an electronic appliance housing capable of simply detaching a cover mounted on a housing, especially easily releasing a locking condition, and capable of fixing the cover when being mounted on the housing (col. 1, lines 56-67). Furthermore, the operation portion has a portion slid along a direction perpendicular to the sliding direction of the cover. With this sliding portion, the locking portion is slidably entered/derived into the locking groove (col. 2, lines 1- 34). When the cover is mounted on the housing and the operation portion is depressed downwardly under locking state by the operation portion, the locking portion fitted to the locking groove of the cover is also moved downwardly (col. 2, lines 56-63). Then, a wedge portion is produced by abut force exerted between the locking portion and an inclined edge located opposite to the locking groove. The cover is slid along the removing direction in response to force produced by this wedge effect (col. 3, line 58- col. 4, line 31; col. 4, lines 43-67; col. 5, line 46- col. 6, line 49). Since the user can adjust the sliding distance of the cover or position the mounting position of the cover, the operability can be improved. Moreover, the operation of attaching or detaching the cover onto the housing can be executed smoothly. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Deguchi to the portable telephone of Hansen in order to provide a portable radio device allowing the key operation or a transmission with the cover on, with little possibility of breakage or malfunction.

Regarding claim 4, Hansen et al discloses a portable cellular phone (figs. 1-3) comprising:

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a case body (3 of figs. 1-3) including a key operating section (5 of fig. 3), a voice receiving section, a voice transmitting section (see fig. 3; col. 3, lines 26-44), and a pair of locking portions (22 of fig. 7 and 22 of fig. 9; col. 1, line 64- col. 2, line 8) and a sliding cover (2 of figs. 1-3; col. 3, lines 27-52) including a U-shaped cutout and a pair of sliding cover locking portions for covering the key operating section of said case body (3 of figs. 1-3; col. 5, lines 1-19), wherein the locking portions of said case body are arranged on laterally opposite sides of a sliding direction of said sliding cover for keeping said sliding cover opened (col. 1, lines 39-59; col. 3, lines 8- 26; col. 4, lines 11-36).

However, Hansen et al does not specifically disclose the features of a sliding cover which is mounted with respect to said case body by applying an outer force to said sliding cover when one of the sliding cover locking portions of said sliding cover is engaged with one of said locking portions of said case body and the other sliding cover locking portions is aligned in position on the other locking portion of said case body.

On the other hand, Deguchi, from the same field of endeavor, discloses an electronic appliance housing capable of simply detaching a cover mounted on a housing, especially easily releasing a locking condition, and capable of fixing the cover when being mounted on the housing (col. 1, lines 56-67). Furthermore, the operation portion has a portion slid along a direction perpendicular to the sliding direction of the cover. With this sliding portion, the locking portion is slidably entered/derived into the locking groove (col. 2, lines 1- 34). When the cover is mounted on the housing and the operation portion is depressed downwardly under locking state by the operation portion, the locking portion fitted to the locking groove of the cover is also moved downwardly (col. 2, lines 56-63). Then, a wedge portion is produced by abut force

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exerted between the locking portion and an inclined edge located opposite to the locking groove. The cover is slid along the removing direction in response to force produced by this wedge effect (col. 3, line 58- col. 4, line 31; col. 4, lines 43-67; col. 5, line 46- col. 6, line 49). Since the position for locking the slide of the cover is indicated at one point of the housing, the sliding distance of the cover can be adjusted or the cover can be mounted based on the indicated position. Moreover, the operation of attaching or detaching the cover onto the housing can be executed smoothly. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Deguchi to the portable telephone of Hansen in order to provide a portable radio device allowing the key operation or a transmission with the cover on, with little possibility of breakage or malfunction

Regarding claim 6, Hansen et al discloses a method of mounting a sliding cover for a portable cellular phone (figs. 1-3) comprising a case body (3 of figs. 1-3) including a key operating section 5 of fig. 3), a voice receiving section, a voice transmitting section (see fig. 3; col. 3, lines 26-44), and marks (it is considered that the locking bosses can perform alignment, see figs. 7 and 9); and the sliding cover (2 of figs. 1-3) including a U-shaped cutout for covering the key operating section of the case body (3 of figs. 1-3), said method comprising: positioning one of distal ends of the cutout of the sliding cover to one of the mark of the case body (3 of figs. 1-3; col. 1, lines 39-63; col. 5, lines 4-40); positioning the other distal end of the cutout of the sliding cover (2 of figs. 1-3) to the other mark of the case body (3 of figs. 1-3; col. 3, lines 13-45)

However, Hansen et al does not specifically disclose the steps of applying an outer force on the sliding cover from the above after positioning the distal ends of the cutout of the sliding cover in order to mount the sliding cover on the case body.

On the other hand, Deguchi, from the same field of endeavor, discloses an electronic appliance housing capable of simply detaching a cover mounted on a housing, especially easily releasing a locking condition, and capable of fixing the cover when being mounted on the housing (col. 1, lines 56-67). Furthermore, the operation portion has a portion slid along a direction perpendicular to the sliding direction of the cover. With this sliding portion, the locking portion is slidably entered/derived into the locking groove (col. 2, lines 1- 34). When the cover is mounted on the housing and the operation portion is depressed downwardly under locking state by the operation portion, the locking portion fitted to the locking groove of the cover is also moved downwardly (col. 2, lines 56-63). Then, a wedge portion is produced by abut force exerted between the locking portion and an inclined edge located opposite to the locking groove. The cover is slid along the removing direction in response to force produced by this wedge effect (col. 3, line 58- col. 4, line 31; col. 4, lines 43-67; col. 5, line 46- col. 6, line 49). Since the position for locking the slide of the cover is indicated at one point of the housing, the sliding distance of the cover can be adjusted or the cover can be mounted based on the indicated position. Moreover, the operation of attaching or detaching the cover onto the housing can be executed smoothly. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Deguchi to the portable telephone of Hansen in order to provide a portable radio device allowing the key operation or a transmission with the cover on, with little possibility of breakage or malfunction

Allowable Subject Matter

Claims 2-3, 5 are allowed.

The following is an examiner's statement of reasons for allowance:

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Regarding claims 2, 3, 5, the prior art either alone or in combination failed to teach portable cellular phone comprising: a case body including rail portions, stopper portions, and locking portions; wherein said sliding cover is mounted and detached with respect to said case body by applying an outer force to said sliding cover in a direction perpendicular to a sliding direction with the rail portions of said sliding cover being elastically deformed when the rail portions of said sliding cover are overlapped on the rail portions of said case body, and the locking portions of said sliding cover are abutted against the locking portions of said case body to position said sliding cover.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hansen et al US Patent No 6370362 B1 discloses a communication unit that has a housing part provided with means for entering information, and a slide assembly.

Takagi et al. US Patent No 5251329 discloses a radiotelephone apparatus for transmitting and receiving information signals as electrical waves including a main body section towards one end of which a speaker is enclosed.

Jeong et al US Patent No 6256481 B1 discloses a device for electrically connecting a microphone mounted on a flip cover to an audio circuit of a telephone body.

Leon et al. US Patent No 5896277 discloses a wraparound battery cover, which slidably attaches to the lower portion of a housing.

Bomer et al. US Patent No 6496181 B1 discloses a side-mounted cursor-pointing device for a wireless terminal including a sliding cover.

Norman et al US Patent No 6073027 discloses a portable radiotelephone with sliding cover and automatic antenna extension.

Crisp US Patent No 6151485 discloses a radiotelephone with a sliding cover that moves between positions concealing and revealing a plurality of keys.

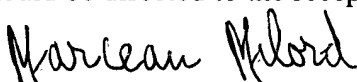
Johnson et al. US Patent No 6463262 B1 discloses a radiotelephone, which is provided with a body for relative sliding movement with the body.

Hattori et al US Patent No 5638441 discloses a portable telephone apparatus with rotatable cover allowing enhanced options key access.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 703-306-3023. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 703-308-6739. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-305-9508 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


MARCEAU MILORD

May 5, 2003